

### **REMARKS**

Applicants respectfully request reconsideration of the present application, in view of the actions taken herein.

#### **I. STATUS OF CLAIMS**

Claims 33-35 and 38-48 are pending. Claims 39-46 have been allowed.

#### **II. NONSTATUTORY OBVIOUSNESS-TYPE DOUBLE PATENTING**

Claims 33-35, 38, 47 and 48 have been provisionally rejected on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claims 2-15 of co-pending U.S. Patent Application Serial No. 11/289,391.

In response, a timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) is being submitted herewith to overcome the above-mentioned nonstatutory obviousness-type double patent rejections.

It is noted that the above terminal disclaimer has been submitted herewith for the sole purpose of expediting the prosecution of the present application. However, the filing of the above terminal disclaimer in no way constitutes an admission by the Applicants regarding the merits of the above rejections.

Therefore, in view of the above action taken, Applicants respectfully request that the above nonstatutory obviousness-type double patenting rejections to pending claims 33-35, 38, 47 and 48 be withdrawn.

#### **III. CONCLUSION:**

For the foregoing reasons, the present application is believed to be in condition for allowance. The Examiner's early and favorable action is respectfully requested.

Appl. No. 10/713,427  
Art Unit: 1756


The Examiner is invited to contact the undersigned if he has any questions or comments in this matter.

Dated:

1/8/07

By:

Respectfully submitted,



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